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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/041,073	12/31/2001	Joan M. Fallon	8016-1DIV	5373

7590

04/20/2004

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EXAMINER

JIANG, DONG

ART UNIT

PAPER NUMBER

1646

DATE MAILED: 04/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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20040415


DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The reply filed on 01 March 2004 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): based upon the independent claim 32 as originally filed, the elected invention is directed to "A biological marker for ...", which claims a product. The first office action on merit has been issued upon the examination of said product. However, the newly amended claims are now directed to a diagnostic method using the biological marker, which is a patentably distinct invention from the product examined. As such, the amendment filed on 01 March 2004 is non-responsive to the prior Office Action since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits, and there are no claims remaining that are drawn to the elected invention. See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication should be directed to Examiner Dong Jiang, Art Unit 1646, whose telephone number is (571) 272-0872.


LORRAINE SPECTOR
PRIMARY EXAMINER